

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBINA JENKINS,

Plaintiff

v.

CIVIL ACTION NO: 2:05-cv-1049-c

**NANCY WORLEY, individually
And in her capacity as Secretary of
State, State of Alabama, et al.,**

Defendants.

OBJECTION TO MOTION FOR SUMMARY JUDGMENT

Comes now the Plaintiff, pursuant to the Federal Rules of Civil Procedure, and files this objection to Defendants' Motion for Summary Judgment and, in support of this objection, shows the court as follows:

1. On or about May 11, 2007, the court entered a Uniform Scheduling Order. Section 2 provides, inter alia, that a Motion for Summary Judgment shall be filed no later than ninety (90) days prior to the pre-trial hearing.

2. Section 1 of the Order provides, inter alia, that "a final pre-trial conference in the case is set for January 15, 2008."

3. That, pursuant to the time table set forth in the Order, a Motion for Summary Judgment was due to be filed on or before October 17, 2007.

4. "The Eleventh Circuit has consistently held that motions filed after a deadline imposed by a court should be denied as untimely...The scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly disregarded by counsel

without peril.” Payne v. Ryder System, Inc., Long Term Disability Plan 173 F. R. D. 537 (M. D. Fla. 1997); See Also Senger Bros. Nursery, Inc. v. E. I. Dupont de Nemours & Co. 184 F. R. D. 674; Moyer v. Walt Disney World Co. 146 F supp 2d 1249.

WHEREFORE, the above matters considered, Plaintiff respectfully requests the court to deny Defendant’s Motion for Summary Judgment and such other further and different relief the court deems proper.

Respectfully submitted,

James E. Wilson, Jr.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify I have served a copy of the foregoing upon the following by Fax transmission and by placing a copy in the United States Mail postage prepaid this ____ day of December, 2007.

Alice Ann Byrne, Esq.
State Personnel Department
62 North Union Street
Room 316
Montgomery, Alabama 36130

/s/James E. Wilson, Jr.